

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re

No. C 10-2544 SI (pr)

ANTONIO SULLIVAN,

ORDER OF DISMISSAL


Petitioner.

Petitioner, an inmate at the California Medical Facility in Vacaville, has filed an application for leave to file a second or successive petition under 28 U.S.C. §2254 to challenge a conviction in the Kern County Superior Court. He sent the form to the wrong court. A district court has no authority to grant the relief requested in the application. Before a second or successive petition may be filed in the district court, the petitioner must first obtain an order from the court of appeals authorizing the district court to consider the petition. See 28 U.S.C. § 2244(b)(3)(A). As the printed part of the application form indicates, it must be filed in the Ninth Circuit. Accordingly, the application and the action are DISMISSED. (Docket # 1.)

The clerk will mail to the U.S. Court of Appeals for the Ninth Circuit a copy of the application because that is the court to which the application must be made. The clerk then will close the file.

IT IS SO ORDERED.

DATED: October 20, 2010



SUSAN ILLSTON
United States District Judge